For a discussion of the wife's rights to acquire a domicile apart from her husband without showing cause for divorce, see this issue of the REVIEW, p. 196.

EMINENT DOMAIN — FOR WHAT PURPOSES PROPERTY MAY BE TAKEN — LAND CONDEMNED BY RAILROAD USED FOR PRIVATE WAREHOUSE. — A railroad condemned for its right of way land owned in fee by the plaintiff. Subsequently the railroad leased the land for private warehouse purposes to the defendant, who agreed to prefer the railroad in routing freight. The plaintiff now seeks to recover possession. *Held*, that he cannot recover. *Coit* v. *Owenby-Wofford Co.*, 81 S. E. 1067 (N. C.).

The principal case takes the ground that, while the land was used directly for a private business, the chief purpose was to afford facilities for the lessee, as a patron of the road, in the storage, receipt, and shipment of freight. If the lessee was one of the largest shippers at that point, and the erection of the warehouse would greatly relieve the facilities for general freight, the lease of railroad land with that end in view would be strictly parallel to the construction of a spur track which reaches only a single large shipper, but improves traffic conditions in general by affording increased trackage facilities and relieving congestion at the point. *Hairston* v. *Danville & Western Ry. Co.*, 208 U. S. 598. Such a warehouse, again by analogy to the spur track, would be under obligation to serve the general public in case demand were made. See *Union Lime Co.* v. *Chicago & N. W. Ry. Co.*, 233 U. S. 211, 220. Unless these facts are assumed as the basis of the present decision, the result must be regarded as wrong. For an ordinary private warehouse, which bears no relation to the transportation facilities of the railroad, is undoubtedly an improper user. *Proprietors of Locks and Canals on Merrimack River* v. *Nashua & Lowell R. Co.*, 104 Mass. 1. A public warehouse, on the other hand, would unquestionably have been a public purpose. *Gurney* v. *Minneapolis Union Elevator Co.*, 63 Minn. 70, 65 N. W. 136.

EXECUTORS AND ADMINISTRATORS — TITLE — EFFECT OF REVOCATION OF ADMINISTRATION UPON *BONÂ FIDE* PURCHASER'S TITLE TO ASSETS. — An administrator sold assets to the defendant, a *bonâ fide* purchaser. Thereafter a will was discovered, which appointed the plaintiff executor. He probated the will, had the administration revoked, and now sues the defendant to recover the property. *Held*, that he may not recover. *Hewson* v. *Shelley*, [1914] 2 Ch. 13 (C. A.).

The grant of probate or administration by a court of competent jurisdiction is a judicial act which, until revoked, is conclusive of the rights determined. *Prosser* v. *Wagner*, 1 C. B. N. S. 289; *In re Ivory*, 10 Ch. D. 372. Consequently, payment of a debt to a regularly appointed executor or administrator is a good discharge, although the probate or grant is afterwards revoked. *Allen* v. *Dundas*, 3 T. R. 125. In spite of this principle, the earlier English authorities held that a title acquired under a grant of administration was void against the executor of a subsequently discovered will. The theory was that on the death of the testator title had vested in the executor by force of the will, and that, therefore, the grant of administration conferred no title upon the administrator. *Graysbrook* v. *Fox*, 1 Plowd. 275; *Ellis* v. *Ellis*, [1905] 1 Ch. 613. But American courts have never recognized this exceptional doctrine. *Kittredge* v. *Folsom*, 8 N. H. 98. See *Monroe* v. *James*, 4 Munf. (Va.) 194, 196. If the purchaser's title were thus liable to be adjudged worthless, the effective administration of estates would be impeded and respect for judicial acts considerably impaired. It is well, therefore, that the technical English doctrine, born of a time when the ecclesiastical courts were held in jealous disfavor, has been definitely repudiated by the principal case.